

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>EMANUELE RAYMOND BUTERA and</b>	)	<b>CASE NO. 07-02736</b>
<b>JENNIFER CAROL BUTERA,</b>	)	<b>CHAPTER 7</b>
	)	<b>JUDGE HARRISON</b>
<b>Debtors.</b>	)	

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: July 19, 2013**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: August 6, 2013, at 9:00**  
**a.m., in the U.S. Bankruptcy Court, Courtroom 3, Customs House, 701 Broadway, Nashville,**  
**Tennessee 37203.**

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**NOTICE OF AMENDED MOTION TO WITHDRAW UNCLAIMED FUNDS**

Fitness Expectations, LLC ("Movant"), by and through its counsel, has filed the attached *Amended Motion to Withdraw Unclaimed Funds* (the "Motion") requesting that the Court enter an order directing the Clerk to remit to the Movant the sum of \$22,596.98.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the Court to grant the attached motion by entering the attached order, or if you want the Court to consider your views on the motion, then on or before **July 19, 2013**, you or your attorney must:

1. File with the Court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT:**  
**<<https://ecf.tnmb.uscourts.gov>>.**

If you need assistance with the Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 a.m. - 4:00 p.m.).

2. Your response must state that the deadline for filing responses is July 19, 2013, the date of the scheduled hearing is August 6, 2013, and the motion to which you are responding to is the *Amended Motion to Withdraw Unclaimed Funds*.
3. You must serve your response or objection **by electronic service through the Electronic Filing system** described above. You must also mail a copy of your response or objection to the undersigned and to any party in interest required to receive notice under the applicable rules of Court who does not receive electronic notice.

If a timely response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at <<https://ecf.tnmb.uscourts.gov>>. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: June 25, 2013

Signature: /s/ Dudley A. Cheadle  
DUDLEY A. CHEADLE (24355)  
Attorney for Movant,  
Fitness Expectations, LLC  
2404 Crestmoor Road  
Nashville, TN 37215  
(615)254-1009  
(615)242-7378  
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<b>Debtors.</b>	)	

**AMENDED MOTION TO WITHDRAW UNCLAIMED FUNDS**

Fitness Expectations, LLC (“Applicant”), by and through counsel, Dudley A. Cheadle, moves this Court for an order directing the Clerk to remit to the applicant the sum of \$22,596.98, which was deposited into the Treasury of the United States as unclaimed funds for Fitness Expectations, LLC (“Claimant”).

Applicant certifies, under penalty of perjury, that:

- (1) Applicant has conducted a reasonable investigation.
- (2) The money on deposit with the Treasury of the United States is owed to the Claimant.
- (3) The funds sought have not been paid to the Claimant or to any agent on the Claimant’s behalf.
- (4) Applicant is the Claimant; or Applicant has authority to collect the funds on behalf of the Claimant as evidenced by the attached Power of Attorney or other proof that Applicant is an authorized representative for the Claimant.
- (5) No other motion is pending for recovery of the same unclaimed funds.
- (6) Applicant has complied fully with the requirements of 28 U.S.C. § 2042.

Dated: June 25, 2013.

/s/ Dudley A. Cheadle

**DUDLEY A. CHEADLE (24355)**

Attorney for Applicant,  
Fitness Expectations, LLC  
2404 Crestmoor Road  
Nashville, TN 37215  
(615)254-1009  
(615)242-7378  
dheadle@cheadlelaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25th day of June, 2013, I mailed a copy of the foregoing to the U.S. Attorney, 110 Ninth Avenue, South, Suite A-961, Nashville, Tennessee 37203-3870, the U.S. Trustee, 701 Broadway, Customs House Suite 318, Nashville, Tennessee 37203, the debtors, Emanuele Raymond Butera and Jennifer Carol Butera, 310 Royal Oaks Blvd, Apt 3108, Franklin, Tennessee 37067, Mr. John C. McLemore, attorney for debtors, P. O. Box 158249, Nashville, Tennessee 37215, Mr. Joseph P. Rusnak, attorney for debtor Jennifer Carol Butera, 315 Deaderick Street, Suite 1700, Nashville, Tennessee 37238, and Mr. Michael Gigandet, Chapter 7 Trustee, 208 Centre Street, Pleasant View, Tennessee 37146.

/s/ Dudley A. Cheadle

**DUDLEY A. CHEADLE**